S.B.Civil Second Appeal No.208/2006

Chhote Khan vs. Nijamuddin and anr.

Date : 4.7.2006

HON'BLE MR. PRAKASH TATIA, J.

Mr. M Joshi, for the appellant.

Mr. SG Ojha, for the respondent.

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Heard learned counsel for the parties.

This Court after holding on 26.5.2006 that no substantial question of law is involved in this appeal, issued notice to the respondents only to find out whether any time can be given to the appellant for vacating the suit premises.

Learned counsel for the respondents submits that if a reasonable time is given to the appellant for vacating the suit premises, then the respondents have no objection.

Learned counsel for the appellants prayed that two years' time may be granted to vacate the suit premises but looking to the facts of the case, I do not find that it is a reasonable time. However, in the facts and circumstances of the case, this Court deems it proper that the appellant be granted one year's time to vacate the suit premises.

Therefore, it is ordered that in case, the appellant furnishes a written undertaking before the trial court

within a period of two months from today that he shall hand over the vacant possession to the landlord by or before 31.7.2007 and shall not part with the possession or sublet the suit premises during this period and shall pay all the arrears of rent and decreetal amount, if due, within a period of two months from today before the trial court or directly to the landlord, the decree under challenge shall not be executed till 1.8.2007. The appellant shall also deposit the rent month by month by 15th day of each succeeding month of his tenancy in the trial court.

In case of non-compliance of the order or default in payment of rent mentioned above, the decree shall become executable forthwith.

With the aforesaid concession, this appeal is dismissed.

(PRAKASH TATIA), J.

S.Phophaliya